

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 11-57

Introduced by Council President Boniface at the request of the County Executive

Legislative Day No. 11-27 Date December 6, 2011


AN ACT to add new Article II, Grant Funded Employees, and new Article III, Temporary Employees, to Chapter 38, Personnel; and to repeal and reenact, with amendments, Article IV, Classified Service, of Chapter 38, Personnel, all of the Harford County Code, as amended; to provide the standards governing classified employees employed by Harford County, Maryland; and generally relating to the system of personnel administration for Harford County employees in the classified service.

By the Council, December 6, 2011

Introduced, read first time, ordered posted and public hearing scheduled

on: January 3, 2012

at: 6:30 PM

By Order: , Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on _____, and concluded on _____.

_____, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

Section 1. Be It Enacted By The County Council of Harford County, Maryland that new Article II, Grant Funded Employees, and new Article III, Temporary Employees, be, and they are hereby, added to Chapter 38, Personnel; and that Article IV, Classified Service, of Chapter 38, Personnel, be, and it is hereby, repealed and reenacted, with amendments, all of the Harford County Code, as amended, and all to read as follows:

Chapter 38. Personnel

Article II. [(Reserved)] GRANT FUNDED EMPLOYEES

§ 38-12. [(Reserved)] DEFINITIONS.

THE WORDS DEFINED IN SECTION 38-30 OF ARTICLE IV SHALL HAVE THE SAME MEANING IN THIS ARTICLE.

GRANT FUNDED EMPLOYEE – AN EMPLOYEE WHOSE POSITION IS NON-SEASONAL IN NATURE, PAID FOR IN FULL OR IN PART BY GRANT FUNDS, AND WITHOUT SUCH FUNDS THE POSITION WOULD NOT EXIST. GRANT FUNDED EMPLOYEES ARE “TEMPORARY” EMPLOYEES UNDER SECTION 602 OF THE CHARTER OF HARFORD COUNTY AND ARE NOT PART OF THE CLASSIFIED SERVICE.

§ 38-13. [(Reserved)] RATES OF COMPENSATION.

THE DEPARTMENT HEAD, WITH THE CONCURRENCE OF THE BUDGET OFFICE AND THE DIRECTOR OF HUMAN RESOURCES, SHALL DETERMINE THE SALARY AND ANY INCREASES TO THAT SALARY, DEPENDENT UPON THE RESTRICTIONS PLACED UPON THE USE OF THE GRANT FUNDS BY THE GRANTING ENTITY.

§ 38-14. [(Reserved)] VACANCIES.

A. ANNOUNCEMENTS FOR VACANT POSITIONS. ANNOUNCEMENTS FOR VACANT GRANT FUNDED POSITIONS WILL BE PUBLISHED AND POSTED ON BULLETIN BOARDS IN ALL DEPARTMENTS AND IN SUCH OTHER PLACES AS THE DIRECTOR OF HUMAN RESOURCES DEEMS ADVISABLE. VACANCIES IN

GRANT FUNDED POSITIONS WILL BE FILLED BASED UPON THE MERIT AND FITNESS OF THE APPLICANT.

B. EMPLOYMENT CONTRACT. GRANT FUNDED EMPLOYEES WILL BE HIRED THROUGH A WRITTEN CONTRACT WITH A TERM OF NO MORE THAN 1 YEAR. HOWEVER, GRANT FUNDED CONTRACTS MAY BE RENEWED BY THE COUNTY IN ITS DISCRETION FOR UP TO 3 ADDITIONAL TERMS, AND IF GRANT FUNDS ARE AVAILABLE.

§ 38-15. [(Reserved)] LEAVE BENEFITS.

THE DEPARTMENT HEAD, WITH THE CONCURRENCE OF THE DIRECTOR OF HUMAN RESOURCES, MAY OFFER LEAVE BENEFITS THAT DIFFER FROM THOSE OFFERED TO THE CLASSIFIED SERVICE, INCLUDING, BUT NOT LIMITED TO, PAID TIME OFF THAT IS NOT SUBJECT TO CARRY OVER FROM ONE CALENDAR YEAR TO THE NEXT. HOWEVER, THE TOTAL LEAVE PACKAGE OFFERED TO A GRANT FUNDED EMPLOYEE CANNOT EXCEED THE AMOUNT PROVIDED TO A SIMILARLY SITUATED CLASSIFIED EMPLOYEE.

§ 38-16. [(Reserved)] EMPLOYMENT STATUS.

GRANT FUNDED EMPLOYEES ARE EMPLOYED ON AN AT-WILL BASIS AND MAY BE TERMINATED AT ANY TIME BY THE COUNTY IN ITS DISCRETION. GRANT FUNDED EMPLOYEES ARE NOT ELIGIBLE TO JOIN AN EMPLOYEE BARGAINING UNIT DUE TO THEIR GRANT STATUS.

§ 38-17. [(Reserved)] GRANT DISCONTINUATION - TERMINATION.

IN THE EVENT THAT GRANT FUNDING IS DISCONTINUED AND ANY EMPLOYEE FUNDED BY THAT GRANT IS THEREFORE TERMINATED AS A RESULT, THE EMPLOYEE SHALL RECEIVED 1 WEEK OF SEVERANCE PAY FOR EACH YEAR OF SERVICE, WITH A MAXIMUM OF 4 WEEKS SEVERANCE PAY.

§ 38-18. (Reserved)

1 **§ 38-19. (Reserved)**

2 **§ 38-20. (Reserved)**

3 **§ 38-21. (Reserved)**

4 **Article III. [(Reserved)] TEMPORARY EMPLOYEES**

5 **§ 38-22. [(Reserved)] DEFINITIONS.**

6 THE WORDS DEFINED IN SECTION 38-30 OF ARTICLE IV SHALL HAVE THE SAME
7 MEANING IN THIS ARTICLE.

8 TEMPORARY EMPLOYEE – AN EMPLOYEE WHO IS NOT PERMANENTLY HIRED IN THE
9 CLASSIFIED SERVICE, BUT INSTEAD IS HIRED FOR A LIMITED PERIOD OF TIME.

10 TEMPORARY EMPLOYEES INCLUDE THOSE EMPLOYEES HIRED TO WORK ON
11 A SEASONAL BASIS, A SPECIFIC COUNTY PROJECT, OR IN ORDER TO CURTAIL
12 A TEMPORARY STAFF SHORTAGE.

13 **§ 38-23. [(Reserved)] STATUS OF TEMPORARY EMPLOYEES.**

14 TEMPORARY EMPLOYEES ARE AT-WILL EMPLOYEES (NOT CLASSIFIED) AND MAY BE
15 TERMINATED AT ANY TIME BY THE COUNTY IN ITS DISCRETION. TEMPORARY
16 EMPLOYEES ARE NOT ELIGIBLE TO JOIN AN EMPLOYEE BARGAINING UNIT DUE TO
17 THEIR TEMPORARY STATUS.

18 **§ 38-24. [(Reserved)] RATES OF COMPENSATION.**

19 THE DEPARTMENT HEAD, WITH THE CONCURRENCE OF THE BUDGET OFFICE AND
20 THE DIRECTOR OF HUMAN RESOURCES, SHALL DETERMINE THE SALARY AND ANY
21 INCREASES TO THE SALARY.

22 **§ 38-25. [(Reserved)] VACANCIES.**

23 A. ANNOUNCEMENTS FOR VACANT POSITIONS. ANNOUNCEMENTS FOR VACANT
24 TEMPORARY POSITIONS SHOULD GENERALLY FOLLOW THE COMPETITIVE
25 PROCESS ESTABLISHED BY THE DEPARTMENT OF HUMAN RESOURCES;
26 HOWEVER, CIRCUMSTANCES MAY EXIST THAT WARRANTS A VARIATION,

SUCH AS: (1) FILLING A SEASONAL POSITION MID-SEASON, WHEN NO ELIGIBILITY LIST EXISTS; OR (2) IT IS DETERMINED THAT AN INDEPENDENT CONTRACTOR THAT WAS SELECTED THROUGH A COMPETITIVE PROCESS IS MORE APPROPRIATELY CLASSIFIED AS A TEMPORARY EMPLOYEE.

B. EMPLOYMENT CONTRACT. TEMPORARY EMPLOYEES WILL BE HIRED THROUGH A WRITTEN CONTRACT WITH A TERM OF NO MORE THAN 1 YEAR. HOWEVER, TEMPORARY CONTRACTS MAY BE RENEWED IF CONDITIONS EXIST THAT REQUIRE THE EXTENSION OF THE POSITION.

§ 38-26. [(Reserved)] BENEFITS FOR TEMPORARY EMPLOYEES.

A. TEMPORARY EMPLOYEES WILL NOT BE ELIGIBLE TO EARN SICK, ANNUAL OR PERSONAL LEAVE, NOR WILL TEMPORARY EMPLOYEES BE ENTITLED TO RECEIVE HEALTH BENEFITS.

B. TEMPORARY EMPLOYEES WHO WORK OR ARE EXPECTED TO WORK AT LEAST 500 HOURS WILL BE ENROLLED IN THE MARYLAND STATE RETIREMENT SYSTEM IN COMPLIANCE WITH THE RULES ESTABLISHED BY THE SYSTEM.

§ 38-27. [(Reserved)] DISCIPLINARY ACTIONS.

TEMPORARY EMPLOYEES SHALL BE SUBJECT TO DISCIPLINARY ACTION IN THE DISCRETION OF THE DEPARTMENT HEAD; HOWEVER, TEMPORARY EMPLOYEES ARE NOT ENTITLED TO GRIEVANCE OR APPEAL RIGHTS PROVIDED TO CLASSIFIED EMPLOYEES UNDER THIS CHAPTER.

§ 38-28. (Reserved)

§ 38-29. (Reserved)

Article IV. Classified Service

§ 38-30. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

APPEAL - Procedure by which a decision is reviewed.

1 APPOINTING AUTHORITY - A person who has the power to make appointments and to terminate
2 employment; or, as specified, the department head.

3 APPOINTMENT - Filling a vacant or newly created position with an eligible candidate.

4 CAREER LADDER - An occupational series of classifications which provide opportunities for
5 employees to advance on a noncompetitive basis.

6 CERTIFICATION OF ELIGIBLES - The referring of a list of previously interviewed qualified
7 applicants to a department head to fill a vacant or newly created position in the classified
8 service.

9 CHANGE OF ASSIGNMENT - An action reassigning an employee from a work site or position in a
10 given class to another position or work site in the same class within the same county
11 department.

12 CLASS OR CLASSIFICATION - A grouping of one or more positions sufficiently similar with respect
13 to duties and responsibilities that the same descriptive title may be used to designate each
14 position in that grouping, that the same general qualifications are needed for performance of the
15 duties, and that the same schedule of pay shall be applied to all positions in that grouping.

16 CLASSIFICATION SPECIFICATION - A written explanation of one position or of several very
17 similar positions which includes title, general description of responsibilities, typical duties, and
18 minimum qualifications.

19 CLASSIFIED EMPLOYEE - An employee in the classified service who has successfully completed a
20 probationary period.

21 CLASSIFIED SERVICE - The sector of the county workforce containing positions for which persons
22 are selected on a competitive basis and from which an employee who has completed probation
23 may be dismissed only for cause.

24 DAYS - Shall mean working days, rather than calendar days, unless otherwise stated.

25 DEMOTION - The movement of an employee from his/her present classification to a classification
26 with a lower grade with or without a decrease in compensation.

1 DIRECTOR OF HUMAN RESOURCES - The Director of the Department of Human Resources or
2 his/her designee.

3 ELIGIBILITY LIST - A list of previously interviewed qualified applicants who are eligible for
4 employment, promotion or training for specific positions within the classified service.

5 EXAMINATION - A test or series of tests approved by the Director of Human Resources to determine
6 the relative fitness of applicants for appointment to positions in classified service.

7 GRADE - A level in the pay plan with a common pay range for classes assigned thereto, consisting of
8 minimum and maximum rates of pay.

9 GRIEVANCE - Any cause or dispute arising between an employee and the county over the
10 interpretation or application of the personnel code, regulations or policies.

11 GRIEVANCE PROCEDURE - The procedure by which a grievance is processed or an appeal of a
12 disciplinary action is taken.

13 INITIAL APPOINTMENT - The first appointment of an employee to a budgeted position in the
14 classified service.

15 MEDICAL REVIEW OFFICER - A licensed physician designated by Harford County and/or its
16 contract provider.

17 PAY PLAN - Pay and classification plan, adopted by the County Council.

18 PART-TIME EMPLOYEE - An employee hired on a regular basis but whose hours of work are less
19 than that of a full-time employee.

20 POSITION - A job having a group of current duties and responsibilities assigned or designated by
21 competent authority, held by a single employee. A position may be vacant or occupied.

22 PROBATIONARY PERIOD OR PROBATION PERIOD - A working period during which the
23 employee does not have classified status.

24 PROMOTION - A change from one classification to a classification with a higher grade.

25 PROMOTIONAL EXAMINATION - A test or series of tests approved by the Director of Human
26 Resources to determine the relative fitness of applicants for positions in a specific class.

1 RECLASSIFY - To reassign a position from one classification to another or to redefine the position so
2 as to more appropriately reflect the duties of the position, which may be at a higher or lower
3 grade or the same salary grade as the former position.

4 TEMPORARY APPOINTMENT - The appointment of a person for a maximum of ninety work days
5 for the purpose of preventing the stoppage of public business.

6 TRANSFER - The voluntary or involuntary movement of an employee from his present position to a
7 comparable position in the classified service, with or without a change in compensation.

8 TRIAL PERIOD - A working period following promotion, during which the employee has classified
9 status, accrues and may use accrued leave.

10 **§ 38-31. Administration.**

11 A. The Director of Human Resources shall be responsible for the interpretation and administration
12 of the approved pay plan and the application of this Article.

13 (1) Investigation. The Director of Human Resources may [investigate] HAVE
14 INVESTIGATED any personnel matter and may compel[, by subpoena,] the attendance
15 of EMPLOYEE AND CONTRACTOR witnesses and require the production of records
16 and other materials in connection with any investigation.

17 (2) Maintenance. The Director of Human Resources shall be responsible for conducting
18 periodic reviews of the pay plan and making recommendations to the Personnel
19 Advisory Board.

20 B. If a classification does not exist, the Director of Human Resources shall recommend to the
21 Personnel Advisory Board the establishment of a new classification for its approval, adoption,
22 and inclusion in the pay plan.

23 C. The abolition or creation of any classification in the pay plan must be approved by the
24 Personnel Advisory Board.

25 D. Any changes or additions to the pay plan shall become effective only after approval by the
26 County Council.

E. Temporary positions and classifications may be established [as required to comply with state and federal grants] BY THE DIRECTOR OF HUMAN RESOURCES AS NECESSARY and do not have to be in the approved pay plan for employees. Employees occupying these positions shall be governed by the terms of their contracts and grants.

F. The original official copy of all classification specifications in the pay plan shall be maintained in the office of the Director of Human Resources.

G. At least once every 3 months the Director of the Department of Human Resources shall file with the County Council a written report summarizing:

- (1) The current number of county employees;
- (2) The number of employees hired since the previous report;
- (3) The number of contractual and temporary employees hired since the previous report;
- (4) The number of retirements and terminations since the previous report;
- (5) The amount of leave, by category, used since the previous report; and
- (6) Any other information the Director considers relevant.

§ 38-32. Rates of compensation.

A. Salaries and wages. The county shall compensate CLASSIFIED employees according to the APPROVED pay plan, unless otherwise specified by law. Employees shall be paid bi-weekly.

- (1) A new employee shall be paid at the minimum rate of pay for his/her grade;
- (2) Reinstated employees may be paid at a rate commensurate with his/her experience and years of service prior to separation;
- (3) The Director of Human Resources may grant waivers from A(1) [and A(2)] BASED UPON THE QUALIFICATIONS AND EXPERIENCE OF THE CANDIDATE AND MARKET CONDITIONS.

B. [In-grade pay increases may be awarded for classified employees; an employee is eligible for such increases only when a satisfactory or better overall performance rating has been recorded by the employee's department head to the Director of Human Resources.] IF APPROVED AS

PART OF THE BUDGETARY AND PAY PLAN PROCESSES AS OUTLINED BY CHARTER, IN-GRADE PAY INCREASES MAY BE AWARDED FOR CLASSIFIED EMPLOYEES. AN EMPLOYEE IS ELIGIBLE FOR SUCH INCREASES ONLY WHEN THE EMPLOYEE RECEIVES, AT A MINIMUM, A SATISFACTORY ANNUAL PERFORMANCE RATING. If eligible, a classified employee may receive an in-grade increase as of July 1 following the employee's anniversary date.

C. Other rates of compensation:

(1) Shift differential. The county shall pay shift differential to designated employees who work a qualifying shift in accordance with and at the rate established by the Director of Human Resources. The county shall not pay shift differential to employees who are on paid leave.

(2) Working out of classification/acting capacity pay.

(a) An employee who meets the existing qualification standards required to perform the assigned duties may temporarily perform duties in a classification for which the rate of pay is higher than that of the employee's classification for any of the following reasons:

[1] The temporary absence of an incumbent, including but not limited to the incumbent's use of approved annual, sick, disability or other leave;

[2] A vacancy for which normal recruitment procedures have been unsuccessful; or

[3] An increased workload which necessitates assignment of duties at a level higher than that of the employee's classification.

(b) An employee working out of classification shall be paid in accordance with the rates established by the Director of Human Resources.

[1] The employee may be required to work out of classification for a maximum period of [forty-five (45)] 45 working days; said period may

be extended upon written request of a department head and with the approval of the Director of Human Resources.

(3) Overtime pay; exceptions.

(a) List of positions to receive overtime payments. The Director of Human Resources shall determine the classifications for which overtime payments are mandatory in accordance with the Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., and as amended.

(b) Computation of overtime payments.

[1] [The Director of Human Resources shall assure that overtime payments are made at straight time for time worked up to and including forty (40) hours per week. Time] UNLESS OTHERWISE PROVIDED FOR HEREIN OR BY MEMORANDUM OF AGREEMENT WITH A RECOGNIZED BARGAINING UNIT, STRAIGHT TIME SHALL BE PAID FOR ANY TIME WORKED THAT DOES NOT EXCEED 40 HOURS PER WEEK. FOR THOSE EMPLOYEES ELIGIBLE TO RECEIVE OVERTIME, TIME worked in excess of [forty (40)] 40 hours per week shall be at a rate of one and one-half times the employee's normal hourly wage.

[2] The overtime rate shall also be paid for work on a holiday, work on scheduled regular days off, and work performed on a scheduled leave day provided that said leave was scheduled and approved at least [ten (10)] 10 working days in advance.

[3] Upon written request of the department head, the Director of Human Resources may adopt alternate work schedules as permitted by the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., and as amended, for the purpose of determining overtime compensation.

[4] Overtime distribution. Distribution of overtime shall be in accordance with the policies set by the Director of Human Resources.

(4) Call-in pay.

(a) An hourly employee [called on duty to do] REQUIRED TO REPORT TO WORK TO PERFORM emergency work OUTSIDE OF THE REGULAR WORKDAY will be paid at the regular rate for the actual time worked, but in no event shall less than [four (4)] 4 hours straight time be paid for the first call-in.

(b) If the hours worked during such call-in, in addition to the hours worked by the employee during the balance of the work day, exceed [eight (8)] 8 hours in aggregate total for the work day, the employee shall be paid whichever is greater.

(c) Call-in time provisions will not apply if an employee is notified at least [twelve (12)] 12 hours before his/her new established starting time. An employee shall receive the benefits of the call-in pay for the first call-in within a consecutive 24-hour period only. For subsequent call-ins, time actually worked will be paid at the rate established for overtime (time and a half) in any 24-hour period.

(d) A regular scheduled holiday will be considered as a work day.

(e) Any natural phenomenon (snow, sleet or icing, etc.) which necessitates "calling" forces in prior to the regular starting time shall not be treated under this section but as regular overtime under Section 38-32C(3)(b)[1].

§ 38-33. Vacancies; applications and examinations.

A. Filling of vacancies.

(1) Vacancies in the classified service will be filled based upon the merit and fitness of the applicant, and in the event that an existing employee has substantially the same qualifications as the most qualified external applicant(s), if any, the existing employee

shall be given preference. Promotions (see Section 38-35) shall be on a competitive basis.

(2) Announcements for vacant positions. Announcements for vacant positions in the classified service [system] shall be published and posted on bulletin boards in all departments and in such other places as the Director of Human Resources deems advisable. Announcements shall specify the title, grade and salary range, minimum requirements for the position, time, place and manner of making application and other pertinent information. Where an existing list of qualified eligible applicants exists, no posting is required.

(a) Filing applications. A person seeking appointment to a position in the classified service shall file with the Director of Human Resources an application on the Director of Human Resource's prescribed form. The application may be modified for current employees applying for a vacant position.

(b) Rejection of applications.

[1] The Director of Human Resources shall notify, in writing, any applicant whose application is rejected under this section, specifying the cause for the rejection of the application, and shall, upon the request of the applicant, give an opportunity to show cause why his application should not be rejected.

[2] The Director of Human Resources may reject an application for cause. Any of the following shall be deemed sufficient cause for rejecting an application, though rejection may be made for other causes permitted by law:

[a] The applicant is found to lack any of the preliminary requirements as prescribed in the classification specification;

[B] THE APPLICANT FAILED TO FULLY COMPLETE THE APPLICATION;

[[b]][C] The application was not filed before the advertised closing date for receiving applications;

[[c]][D] The applicant is physically, mentally, or morally unfit for the performance of the essential functions of the position to which the applicant seeks appointment;

[[d]][E] The applicant is currently addicted to the habitual or excessive use of drugs, narcotics, or currently addicted to intoxicating beverages;

[[e]][F] The applicant has been dismissed from public or private service for delinquency or misconduct;

[[f]][G] The applicant has knowingly made a false statement in the application, or in a previous examination, or has withheld any material fact;

[[g]][H] The applicant is not within the prescribed age limit;

[[h]][I] The applicant was previously in the classified service and was removed for cause or did not resign in good standing; [or]

[[i]][J] In the case of a promotional examination, the employee evaluation or attendance record are not satisfactory[.]; OR

[K] PRIOR CONVICTION OF A FELONY OR CRIME INVOLVING MORAL TURPITUDE OR LOSS OF CITIZENSHIP SHALL DISQUALIFY AN APPLICANT FROM EMPLOYMENT OR PROMOTIONAL OPPORTUNITIES; LESSER CRIMES, MAY, IN THE DISCRETION OF THE DIRECTOR OF HUMAN

RESOURCES, BE CAUSE FOR DISQUALIFICATION
FROM EMPLOYMENT OR PROMOTIONAL
OPPORTUNITIES.

B. Examination. All applicants for CLASSIFIED positions may be required to take an aptitude, skills and/or performance test to determine their eligibility for the position. The scope, composition, and ranking on said tests to be determined by the Director of Human Resources; when required, these examinations may include medical examinations, and tests, written or oral, designed to show the ability of competitors to perform the essential functions of the positions to which they seek appointment and shall include any tests of manual skill or technical knowledge or the actual doing of typical tasks which are required of employees in the class. The Director of Human Resources may require tests of the bodily condition, muscular strength, agility, and physical fitness of competitors. These tests may be used only to determine whether competitors can perform the essential functions and duties of the positions to which they seek appointment, consistent with the provisions of the Americans with Disabilities Act 42 U.S.C. 12101, et seq, as amended.

(1) On all examinations to determine the qualifications of an applicant entitled to preferential credits under this section, the Director of Human Resources shall allow the applicant credit for all valuable military experience. The Director may also allow such credit for applicants who were not compensated for their military experience.

(a) Veterans and spouses of veterans - In this subsection, "eligible veteran" means a veteran of any branch of the Armed Forces of the United States who has received an honorable discharge or a certificate of satisfactory completion of military service; and who:

[1] During a period of war, served at least 90 calendar days in the military service or was released from military service before serving 90 days because of a service-connected disability;

[2] During peacetime, served at least 181 calendar days of continuous active duty in military service or was released from military service before serving 181 days of continuous active duty because of a service-connected disability.

(b) The Director of Human Resources shall allow an applicant the following credits on all examinations, provided however, that on examinations testing the ability to operate mechanical equipment, the applicant must receive a passing score in order to receive the credit:

[1] Five percent of the applicant's total score on the examination if the applicant is an eligible veteran who does not have a service-connected disability;

[2] Ten percent of the applicant's total score on the examination if the applicant is an eligible veteran who has a service-connected disability or who has been awarded a Purple Heart; or

[3] Ten percent if the applicant is:

[a] The spouse of an eligible veteran and the eligible veteran, due to a service-connected disability, is certified by the Veterans Administration to be "unemployable"; or

[b] An unmarried surviving spouse of an eligible veteran who has died as a result of a service-connected disability.

(c) Any credit provided for under Subsection B(1)(b) of this section may be allowed only for purposes of determining the standing of an applicant on a list of eligible candidates for which the applicant is otherwise qualified.

(d) If an eligible veteran is convicted of a felony the veteran and/or the veteran's spouse is ineligible for any credit under this subsection.

(e) An employee who leaves the classified service to enter a branch of the Armed

Forces shall be reinstated to the same position or given a position involving similar duties, classification and pay, provided that the employee:

[1] Receives an honorable separation from the Armed Forces.

[2] Applies for reemployment within [ninety (90)] 90 days of the separation; and

[3] Is qualified to perform the duties of the position.

(2) This section does not apply to a person who:

(a) Is retired from a branch of the Armed Forces of the United States; and

(b) Receives a pension as a result of the retirement.

(3) Nondiscrimination.

(a) Classified service employees shall be selected without regard to political considerations, except that political belief or affiliation subversive to the laws of the United States and/or the State of Maryland is disqualifying.

(b) There shall be no discrimination against any person seeking employment or employed in a classified position because of any consideration of political, religious affiliation or belief, race, gender, national origin, marital status or qualifying disability.

[(c) Prior conviction of a felony or crime involving moral turpitude or loss of citizenship shall disqualify an applicant from employment or promotional opportunities; lesser crimes, may, in the discretion of the Director of Human Resources, be cause for disqualification from employment or promotional opportunities.]

(4) Interpretations. The Director of Human Resources is authorized to render any interpretations concerning certification and appointment matters, consistent with this Code, subject to the review of the Personnel Advisory Board.

C. Certification of eligibles. The Director of Human Resources shall certify to the appointing

authority:

- (1) The names of persons on the eligibility lists for the classifications in which there are vacant positions; or,
- (2) In the case of training or promotional vacancies, names of the employees who are eligible to receive training or, who, having completed said training, are eligible for promotion to a classification, whether or not a vacant position exists at the time of certification.

§ 38-34. On-the-job training.

A. Eligibility.

- (1) Eligibility lists for on-the-job training. The Director of Human Resources may establish a list of current, full-time classified employees who have successfully completed their probationary periods who are eligible for entry into training programs for existing or future positions. Length of service will determine eligibility for training.

(a) In order to be placed on this list, an employee must:

- [1] Have a good attendance record. An employee will be ineligible for placement on said list if he or she has been placed on supervised sick leave within [three (3)] 3 months from the date of said application.
- [2] Be in good physical condition. Except as otherwise provided by law, an employee will be ineligible for placement on said list based on a medical condition which restricts his or her ability to perform the essential functions of the employee's current position.
- [3] Have received [a "satisfactory or better"], AT A MINIMUM, A SATISFACTORY rating on the ANNUAL employee evaluation preceding the date of said application; an employee will be ineligible for placement on said list if the employee has been subject to disciplinary action resulting in a suspension within the year preceding

the date of application.

B. Certification.

(1) Following completion of said training program, the employees will be tested in accordance with standards to be set by the Director of Human Resources.

(2) Employees who have satisfactorily met the requirements of said testing program shall be certified by the Director of Human Resources as qualified for the position for which the training has been completed. A list of employees who have been certified as eligible shall be maintained for a period of [two (2)] 2 years.

(3) At the time of expiration of the list, employees unplaced at the time of expiration would be carried over to a new list upon recertification, under section 38-34B.

C. Vacancies; certification. At the time that the vacancy for that position occurs, the Director of Human Resources shall provide the department head with a list of qualified employees. At the time that such vacancy occurs, the employees on such list must continue to meet the criteria specified in Section 38-34A(1)(a). Said employee will also be subject to the criteria contained in Section 38-34B(2).

§ 38-35. Promotions and transfers.

A. Promotion - An employee may be promoted from the employee's present classification to a classification in a higher grade under the procedures outlined in Section 38-33A(2) or pursuant to a career ladder progression as defined by the Director of Human Resources [and as approved by the Personnel Advisory Board].

B. Change of assignment. The department head may re-assign an employee from a position in a given classification to another position in the same class within the department. [An employee objecting to the reassignment shall request a review of the action with the Director of Human Resources. An appeal of the action may be made to the Personnel Advisory Board under Section 38-44C(3).] ANY RIGHT OF APPEAL IS GOVERNED BY SECTION 38-43 OF THIS ARTICLE.

C. Transfer. The transfer of a classified employee from one position, department or location to another may be voluntary or involuntary.

(1) Voluntary transfer. Any classified employee may apply to the Director of Human Resources for transfer from the position which he/she holds to a position of the same classification in another department or location, stating the reasons for the transfer. A copy of the letter shall be sent to the department heads involved by the Director of Human Resources. If the Director of Human Resources believes the transfer would be for the good of the service, the employee's name shall be placed upon a transfer list of eligibles and may be certified for appointment to any vacancy in the same classification or to a position similar to the one held by the employee.

(a) The department heads shall reply to the Director of Human Resources, who will notify the employee of the status of the request.

(b) If more than one employee applies for a transfer to an existing vacancy, and all applicants equally meet all qualifications, the employee with the greatest seniority shall be granted the transfer.

(2) Involuntary transfer. At the request of a department head, an employee may be transferred. Said transfer is subject to the approval of the Director of Human Resources. [An appeal of the action may be made to the Personnel Advisory Board under Section 38-44C(3).] ANY RIGHT OF APPEAL IS GOVERNED BY SECTION 38-43 OF THIS ARTICLE.

D. Demotion.

(1) Involuntary demotion.

(a) A department head may submit to the Director of Human Resources a written recommendation for the demotion of an employee, and shall provide the employee with a copy.

(b) The department head shall [assure that the recommendation includes:]

INCLUDE IN THE RECOMMENDATION:

[1] The specific reasons for the proposed demotion; AND

[2] The position and rate of compensation to which the employee is to be demoted.[]; and

[3] A statement informing the employee of the appropriate appeal route.]

(c) In the written decision, the Director of Human Resources shall:

[1] Approve or disapprove the proposed demotion; and

[2] Provide the department head and the employee with copies of the decision AND, IF CONCURRING WITH THE RECOMMENDATION OF THE DEPARTMENT HEAD, NOTICE TO THE EMPLOYEE OF THE APPROPRIATE APPEAL RIGHTS TO THE PERSONNEL ADVISORY BOARD UNDER SECTION 38-43 OF THIS ARTICLE.

[(d) The employee may appeal the proposed demotion to the Personnel Advisory Board.

(e) The department head shall enforce the decision.]

(2) Voluntary demotion. A voluntary demotion without prejudice may be granted by the Director of Human Resources, upon the recommendation of the department head together with the voluntary written consent of the employee.

(a) Voluntary demotion in case of loss of special job skills. An employee who has lost his/her driving privileges may be separated from service or demoted to a position where the employee's other skills may be utilized, if such a position is available. When the privileges are reinstated, the employee may be eligible for reinstatement to the employee's former position, or a comparable position.

[E. Resignation. A resignation is a voluntary act of the employee. An employee shall submit his/her resignation no later than fourteen (14) calendar days prior to the effective date of same.]

§ 38-36. Reduction in force.

A. Should it become necessary to reduce the working force due to a curtailment of funds or for other reasons, the following factors shall determine the employees affected:

(1) Total length of satisfactory service.

(2) Current employee evaluation.

B. A classified employee who is reached in a reduction in force may be offered a VOLUNTARY transfer to another department or location in the employee's area of specialization or a demotion to a [position] CLASSIFICATION within said area of specialization. An employee who refuses such offer shall submit the rejection in writing AND THE REDUCTION IN FORCE SHALL PROCEED.

C. Employees affected by [the] A reduction in force shall be notified in writing of the proposed action at least [thirty (30)] 30 days prior to the effective date of such action.

D. Prior to the reduction in force, the number of positions by job title shall be submitted to the Director of Human Resources, who shall review and determine the action to be taken, subject to the approval of the Personnel Advisory Board.

E. Recall.

(1) No new CLASSIFIED employees, unless otherwise provided herein, shall be hired until employees on layoff status who are qualified to perform the duties assigned have been offered the opportunity to return.

(2) Employees shall be recalled from layoff in reverse order from their separation from service. However, classifications available within a bargaining unit shall be first offered to displaced employees within that bargaining unit, regardless of date of separation from service.

(3) Any recalled employee shall be subject to the terms and conditions of the recalled classification.

(4) An employee recalled into a classification in the same grade as the classification from

which displaced shall be paid at the same hourly rate in effect at the time of the employee's displacement.

(5) An employee recalled into a classification of a lesser grade than the grade from which displaced shall be paid at either the hourly rate in effect at the time of the employee's displacement or the maximum hourly rate for the lesser grade, whichever is lower.

(6) Any employee recalled may request within 120 calendar days of recall to be separated from service and placed back on the recall list. The employee shall retain the original date of separation from service. An employee who elects to return to the recall list shall not be eligible for recall until all other eligible employees on the recall list are offered the opportunity to return.

(7) A displaced employee's right to recall shall not exceed 3 years from the original date of separation from service.

(8) Notwithstanding the provisions of this section, the following provisions shall apply to a grant-funded or nonstandard position, which is defined as a nonclassified position that does not have regularly scheduled hours, a position that is seasonal in nature or a position that is regularly scheduled for 20 hours per week or less:

(a) If offered, the acceptance of such a position shall not constitute a recall and shall not remove the displaced employee from the recall list.

(b) The terms and conditions of such positions, including but not limited to status, salary and benefits, shall apply.

(c) The loss of recall rights shall occur only for misconduct as defined in Section 38-43G of the Harford County Code, as amended. The decision to remove an employee from the recall list shall be determined by the Personnel Advisory Board based on written argument.

§ 38-37. Employee status.

A. Probation.

(1) Upon appointment all employees shall be subject to a probationary period. Once a probationary period has been satisfied, the employee will not be required to serve any further probationary period, except: (1) an additional period may be established for disciplinary reasons[,]; and (2) upon promotion, an employee may be required to serve a trial period[, said period to be limited to ninety (90)] NOT TO EXCEED 90 days. The Director of Human Resources shall determine the positions which shall be subject to such trial periods and the employee shall be notified at the time of application or promotion to said position. If, following evaluation at the close of said period, at the option of the employee or the appointing authority, the employee may be deemed unqualified or unsuitable for the position. [At the employee's request, he shall be returned to his former position, if said position is vacant.] IF THE FORMER POSITION IS VACANT, THE EMPLOYEE SHALL BE RETURNED TO HIS FORMER POSITION. In the case where the employee's former position has been filled, the employee, IF THE MINIMUM QUALIFICATIONS ARE MET, will be eligible for a vacancy of similar grade to the former position.

(a) With the exception of laborers, who shall be subject to a [three (3)] 3 working (active duty) month probationary period, all employees in the classified service shall serve an initial [six (6)] 6 month probationary period.

(2) A probationary status employee shall be retained beyond the end of his or her probationary period and be considered a classified employee after [6 working (active duty) months of probation] THE PROBATIONARY PERIOD if the department head concerned certifies that the performance of the probationary employee is satisfactory and recommends to the Director of Human Resources that the employee be given classified status. CLASSIFIED STATUS SHALL NOT BE AWARDED, AND THE EMPLOYEE SHALL REMAIN PROBATIONARY UNTIL SUCH TIME AS THE CERTIFICATION TO RETAIN THE EMPLOYEE IS FILED BY THE

DEPARTMENT HEAD. However, a probationary status employee assigned to the Division of Emergency Operations OR THE DIVISION OF WATER AND SEWER may be subject to an extended probationary period not to exceed an additional 180 days, upon the approval of the Director of Human Resources. During the extension, the probationary status employee shall be permitted to utilize leave.

- (3) A probationary employee not retained following completion of their probationary period or discharged prior to its completion shall be advised of the basis for such decision by the Director of Human Resources; such termination shall not be subject to an appeal pursuant to § [38-44C] 38-43C.

B. Employee performance evaluation.

- (1) Evaluation. Annually, upon notice by the Director of Human Resources, each department head shall submit to the Director of Human Resources an employee performance evaluation form based on a satisfactory or unsatisfactory rating.
- (2) When evaluating an employee's performance, the appointing authority shall consider the employee's use of sick leave.
- (3) Performance evaluation confidential. All final performance evaluations shall become a permanent part of an employee's personnel record and shall be made available only to:
 - (a) The employee or his/her designated representative;
 - (b) The supervisor who is considering employee for a position in his/her organization;
 - (c) The employee's supervisor;
 - (d) The Director of Human Resources AND LEGAL COUNSEL; or
 - (e) Members of the Personnel Advisory Board.

§ 38-38. Leave with pay.

- A. Eligibility for earning leave. Leave time is earned by full-time and part-time classified employees. Employees must be either working or on approved leave on the day before or after

to receive holiday pay or working and/or scheduled to work on the day that the administrative leave is permitted to receive administrative leave. The application of this section is subject to the interpretation of the Director of Human Resources.

B. Holidays.

(1) The following days are designated as regular holidays, and employees excused from duty shall receive their full rate of pay with no charge to leave:

New Year's day	January 1
Dr. Martin Luther King's birthday	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Friday after Thanksgiving Day	Friday after Thanksgiving Day
Christmas Day	December 25

(2) In addition, any day designated by the County Executive, or by the President of the United States of America or Governor of the State of Maryland, and administratively approved as a leave day by the County Executive.

(3) All employees required to work on holidays eligible for holiday pay shall be paid [eight (8)] 8 hours straight time as holiday pay plus one and one-half times their hourly rate for each hour worked.

C. Personal leave.

(1) In each calendar year a full-time employee is entitled to 8 days (64 HOURS) of personal leave. An employee is not eligible to use personal leave during the probationary period.

- 1 (2) An employee may not accumulate personal leave from calendar year to calendar year.
- 2 (3) An employee may use personal leave in increments of at least one-half day without
3 obtaining prior approval, provided that the employee notifies the employee's immediate
4 supervisor not later than 15 minutes after the employee's normal reporting or starting
5 time of the employee's intended use of personal leave. Employees using personal leave
6 for the second half of the work day shall notify the immediate supervisor of his
7 intention to use such leave within 15 minutes of the employee's normal reporting time.
8 Employees may use personal leave in hourly increments less than one-half day with the
9 prior approval of the employee's supervisor. Department heads may adopt written
10 policies concerning use of this leave in less than half-day increments and notification
11 later than 15 minutes after the employee's normal reporting or starting time.
- 12 (4) An employee scheduled to work on a county holiday, or an employee who is assigned
13 to an agency or institution which renders a service that is provided continuously on a 7-
14 day-a-week basis, may not use personal leave without obtaining prior approval from the
15 employee's immediate supervisor. However, approval may be denied only if the
16 immediate supervisor determines that denial is necessary as a result of a critical
17 shortage of staff or under previously established, written policy.
- 18 (5) No prior approval is required in order for an employee to use personal leave up to and
19 including 2 days; notice of intent to use said leave should be given as far in advance as
20 possible but in no event shall notice be given later than 15 minutes from the employee's
21 scheduled starting time. The use of personal leave in excess of 1 day does not relieve
22 the employee of reporting his/her intent to use said leave within 15 minutes of his
23 regular starting time on the second day, if said notice had not been previously given.
- 24 (6) Separation from service. Upon retirement from county service, the employee shall be
25 paid for all unused personal leave. Upon resignation, an employee shall be paid for up
26 to 2 days of personal leave.

D. Annual leave.

(1) Annual leave will be requested and approved in advance. If, due to unusual circumstances, it is not possible to obtain prior approval for such absence, a request may be submitted after the fact for department head approval. If a department head does not approve such request, he shall so inform the employee and record it as absent without pay and so notify the Director of Human Resources. The period of pre-approved annual leave may be extended by written request or telephone call to the employee's supervisor provided that notice of intent to extend leave is received by the supervisor [two (2)] 2 work days prior to the beginning of the extension. If the supervisor denies said extension, said absence shall be charged as leave without pay. The extension of said leave to be granted on a reasonable basis.

(2) Annual leave shall not be granted nor used during the probationary employment period. Any necessary absence, other than absences based on medical reasons, during the probationary period will be charged as leave without pay.

(3) Accrual rate.

(a) All regular full-time employees shall accrue annual leave on the following basis:

[1] Zero [(0)] through third years of service, inclusive: [twelve (12)] 12 days (96 HOURS) of annual leave per year, [one (1)] 1 day per month.

[2] Fourth through ninth years of service, inclusive: [fifteen (15)] 15 days (120 HOURS) of annual leave per year, [one and one-fourth (1 1/4)] 1-1/4 days per month.

[3] Tenth through fifteenth years of service, inclusive: [twenty-one (21)] 21 days (168 HOURS) of annual leave per year, [one and three-fourths (1 3/4)] 1-3/4 days per month.

[4] Over fifteenth year of service: [twenty-four (24)] 24 days (192

HOURS) of annual leave per year, [two (2)] 2 days per month.

(b) All regular part-time employees shall accrue annual leave in proportion to time worked.

(4) Maximum accumulation. A total of 40 days (320 HOURS) of annual leave is the maximum that may be carried over from one calendar year to the next. REGULAR PART-TIME EMPLOYEES MAY CARRY OVER ANNUAL LEAVE IN PROPORTION TO TIME WORKED.

(5) Payment for unused annual leave. When an employee is separated from or otherwise leaves the county service, he shall be paid in a lump sum for such leave, not to exceed [fifty-nine (59)] 59 days.

[(6) Temporary employees. Annual leave shall not be granted to temporary employees, nor shall they accrue or accumulate such leave.]

E. Sick leave.

(1) Accrual rate. All regular full-time employees shall accrue sick leave credits on the basis of [one and one-fourth (1 1/4)] 1-1/4 days (10 HOURS) for each full month of creditable service.

(2) Maximum accumulation. There shall be no limit on the amount of sick leave credits that can be accumulated.

(3) Sick leave usage. Sick leave will be available only in the following instances:

(a) Actual illness or disability of the employee; or

(b) Necessary medical, dental or optical examination and/or treatment. Normally such absences will be requested and approved in advance and will not exceed [one (1)] 1 day; or

(c) Confinement to home because of quarantine, as determined by authorized medical authority; or

(d) Necessary medical, dental, optical treatment or the illness of qualifying family

members in accordance with standards as established by the Director of Human Resources.

(e) Immediately after obtaining permanent custody of a child pending adoption. Any request for sick leave due to the adoption of a child must be accompanied by corroborating documentation, and such request must receive prior approval of the Director of Human Resources. No employee shall be permitted to utilize accrued sick leave for a period greater than [six (6)] 6 weeks after obtaining permanent custody of a child pending adoption.

(4) Requests for sick leave. If an employee is unable to report for duty because of illness, he shall notify his department head as soon as possible, but not later than [two (2)] 2 hours after the time he was to report for duty. Any exception to this rule must be approved by the department head. Failure to comply with this requirement may result in a loss of pay for time off and subject the employee to disciplinary action.

(5) Normally an employee's personal certification will be accepted for an absence of [three (3)] 3 days or less. If a department head has reason to believe that sick leave privileges are being abused, he may, with the approval of the Director of Human Resources, require the employee to furnish a medical certificate for any period of sick leave.

(6) Fitness for duty examination.

(a) A department head may request the Director of Human Resources to have a medical investigation made of any employee who loses excessive time from employment because of illness or for the purpose of determining whether an employee has any disability which would prevent the employee from the proper performance of the employee's duties. The request shall contain a record of absences caused by the disability, ailment, illness or behavior of the employee and the reason for the request.

(b) If the Medical Review Officer conducting the medical investigation determines

that the employee is unable to continue active employment in his/her current position, or the employee's continued employment creates a danger to the employee or others, actions may be taken:

[1] To place the employee in a position more commensurate with his/her capabilities;

[2] For voluntary separation; or

[3] The filing of written charges for removal. An employee may be removed from the work site if his/her condition represents a threat to the employee or others. If the Medical Review Officer determines that the disability is correctable, consistent with the provisions of this chapter, the Medical Review Officer shall determine the time period in which the disability is to be corrected. The employee shall be notified as to the specified time to correct the disability. If the employee fails to take the steps required by the Medical Review Officer or the Director of Human Resources, based on the recommendation of the Medical Review Officer, within the time specified, the employee shall be subject to disciplinary action, up to and including termination from employment.

(c) The Director of Human Resources may refer an employee on sick leave to the Medical Review Officer or another physician for periodical examinations to determine the nature and extent of the illness, the employee's progress toward recovery, the length of time necessary for recovery, and an estimated date of return to work.

F. With the approval of the Director of Human Resources, department heads may adopt additional requirements regarding the use of annual or personal leave.

G. Disability leave. An employee injured on the job shall be reimbursed the difference between

payments received under the State Workers' Compensation Act and his regular, net salary at a rate of [one (1)] 1 weeks pay, for up to [one (1)] 1 year's service and [two] 2 weeks pay for each year, or portion of years additional service. At the expiration of the benefits, the employee may elect to use his/her accumulated sick or annual leave.

H. Military leave.

(1) A military leave of absence shall be an excused leave of absence granted if an employee is inducted, recalled to active duty, enters active military duty voluntarily or is in the military reserves or National Guard and is called to limited active duty, regular training assignments, or extended training duty. Military leave may be paid or unpaid.

(a) Active military duty. A classified employee who leaves county service to enter the Armed Services of the United States voluntarily, by induction or reactivation shall be granted military leave without pay. Such leave shall extend through [ninety (90)] 90 days after honorable discharge.

(b) Members of the National Guard or military reserves who are required to engage in regular/annual training exercises will be granted military leave, with pay, for a period not to exceed a total of 3 weeks in a fiscal year.

(c) Members of the National Guard ordered to active duty under the authority of the Governor shall be entitled to military leave, with pay, for such time while actually serving under active duty orders in addition to the [three (3)] 3 week period specified in Section (b).

(d) Members of the military reserves, including the National Guard, who are ordered into the active military service of the United States shall be granted military leave without pay. Such leave shall extend through [thirty-one (31)] 31 days after release from active duty.

(2) Reinstatement. Upon satisfactory completion of military service and timely notice of intent to return to work, an employee will be reinstated to the employee's former

position, or a comparable position with similar status, compensation and benefit entitlement, provided the employee is qualified to return to full-time duties.

(a) Active military duty. Must reapply for employment within [ninety (90)] 90 days after being honorably discharged.

(b) Military reservists or National Guard.

[1] Return from active duty - must apply for reemployment within [thirty-one (31)] 31 days after release from active duty.

[2] Return from regular training - must report to work on the first scheduled work day following completion of training.

(3) Benefits.

(a) Annual and sick leave, as provided by this article, will continue to accrue during the period that an employee is on military leave under (1) (b), (c) and (d).

(b) An employee may elect to use accrued annual or personal leave instead of military leave by filing written notice of their intent to do so with the Director of Human Resources.

I. Civil leave.

(1) An employee may be granted civil leave and excused from duty, with pay, in the following circumstances:

(a) When selected to serve on jury duty.

(b) When subpoenaed to appear before a court, public body or commission in support of county business.

(c) When performing emergency civilian duty in connection with the national, state or local security.

(2) Any employee called for jury duty will be reimbursed the difference between payments received as a juror and his regular salary. Such leave shall not be deducted from any

other leave earned by the employee.

(3) All other civil leave shall be subject to approval by the County.

J. Funeral leave.

(1) Permission for funeral leave or conditions caused by death in the immediate family for a period of up to [three (3)] 3 work days with pay shall be granted at the discretion of his or her supervisor. One [(1)] day extra will be permitted for travel exceeding 150 miles one way after the date of burial except when burial occurs on the last scheduled work day or the first regular day off of the work period.

(2) The "immediate family" is considered to be spouse, father, mother, sister, brother, child or grandparent of the employee and family of spouse in these relationships or, step-relationships which qualify as immediate family, as determined by the Director of Human Resources. THE EMPLOYEE MUST STATE THE RELATIONSHIP ON ANY REQUEST FOR FUNERAL LEAVE. THE DIRECTOR OF HUMAN RESOURCES MAY REQUIRE ADDITIONAL DOCUMENTATION FROM THE EMPLOYEE IN DETERMINING WHETHER TO APPROVE THE REQUEST.

K. Administrative leave. Leave time granted by order of the County Executive or absence/lateness granted by the employee's department head.

[L. Maternity leave.

(1) Classified employees may use accrued sick leave for any pregnancy-connected disability during their pregnancy until the employee's physician certifies that the employee may return to work. An employee must submit to her supervisor and the Director of Human Resources, as soon as possible after the termination of the pregnancy, a written certification from the attending physician specifying when the employee will be physically able to return to work.

(2) Employees may take up to a total of six (6) months leave or leave without pay after the physician's certification that the employee may return to work if they do not wish to

return to work as soon as physically able. If an employee does not use all accrued sick leave while temporarily disabled due to maternity reasons, all unused sick leave will be credited upon returning to work.

(3) Anytime circumstances occur in a maternity illness which are different from or do not conform in exact detail to the general circumstances described in the above policies, they may be interpreted and decided upon their individual merits by the Director of Human Resources.

(4) During an employee's leave, her vacancy becomes an "obligated position" and shall be reserved for the employee until her return to duty or resignation. If a replacement is required, such replacement will be hired on a temporary appointment not to exceed the period of leave. When the employee on leave is ready to return to duty from maternity leave, she shall notify the Director of Human Resources in writing of this fact and indicate the date of return. She shall submit this notice at least fifteen (15) days in advance of return date. Such notice shall include a medical certificate indicating ability to return to duty and date. The person occupying the position on a temporary basis shall be notified, in writing, of the termination of her temporary appointment. Such notice to the temporary employee shall be issued so that the employee will have at least seven (7) calendar days' notice of separation. If for any reason the employee does not intend to return to duty, her notice will be considered as a resignation and be treated as such.

M.] L. Educational leave. A full-time classified employee may be granted educational leave, with pay, for the purpose of taking courses relating to the employee's work, said courses to be approved by the appropriate department head and the Director of Human Resources.

§ 38-39. Leave of absence.

A. A department head, with the approval of the Director of Human Resources, may grant a classified employee a leave of absence without pay for a period not to exceed [one (1)] 1 year.

The approval and grant of such leave of absence without pay shall be based on the fact that there is a reasonable assurance that the employee will return to duty and that such absence will be of benefit to the employee and to the county. The conditions and procedure for exercise of said leave shall be established by administrative policy.

- B. Failure of employee to return to duty from leave of absence without pay shall be construed as a resignation effective on the last day of approved leave of absence.

§ 38-40. Other benefits.

- A. Death benefits. Upon death of a classified employee while in active service, his designated beneficiary shall be paid all accumulated annual leave. In addition, the employee's spouse or designated beneficiary shall be paid [fifty percent (50%)] 50% of accumulated sick leave and [four (4)] 4 weeks severance pay. If there is no designated beneficiary, annual leave only shall be paid to decedent's estate.

- B. Retirement. At the time of retirement, [fifty percent (50%)] 50% of the employee's accumulated sick leave will be granted as severance pay and shall be paid at the accrual rate at the time of retirement.

§ 38-41. Conditions of employment.

- A. Hours of work.

- (1) Offices will open at 8 a.m. and close at 5 p.m., or as determined by the County Executive.

- (2) Any department requiring a [twenty-four] 24-hour-per-day or 7 day per week operation may schedule shifts for its employees as required.

- (3) Innovative work schedules may be established by the department head, subject to the approval of the Director of Human Resources, to meet the needs of the department.

Such schedules shall be subject to the requirements of the Fair Labor Standards Act, 29 USC, Section 201, et seq, and as amended.

- B. Lateness.

- (1) Crew Chiefs are authorized to excuse any lateness up to [seven (7)] 7 minutes by initialing the time card. If excused, and therefore not subject to disciplinary action, said employee shall be paid for such lateness; if not excused, said employee shall not be paid for said period of absence and may be subject to disciplinary action.
- (2) Supervisors are authorized to excuse any lateness up to [fifteen (15)] 15 minutes by providing the justification in writing to the payroll sections of their departments. The lateness may be charged as administrative leave or excused and therefore not subject to disciplinary action, but unpaid.
- (3) For anticipated lateness beyond [fifteen (15)] 15 minutes, employees must call in and, prior to the end of the work day, must fill out a leave slip for the amount of time lost. The department head may grant administrative leave for such lateness.
- (4) Under no circumstances will anyone change or alter the supervisor's decision without consulting the individual or individuals and Crew Chief involved.

[§ 38-42. Maintenance and inspection of records.]

A. General. It is the policy of the department to facilitate public access to the records of the department when this access is allowed by law, by minimizing costs and time delays to persons requesting information. It is also the policy of the department to safeguard the privacy of employees by restricting access to records when access is denied or restricted by law.

B. Definitions. The following terms used in this chapter have the indicated meanings:

"Act" means the Public Information Act, MD. State Gov't Code Ann. § 10-611 et. seq.

"Applicant" means any person requesting disclosure of public records.

"Department" means the Department of Human Resources.

"Departmental custodian" means each division director of the Department who is responsible for the maintenance, care, and keeping of public records.

"Personnel file."

- (1) "Personnel file" means any record, regardless of physical form, indexed by name or the

employee's identification number.

(2) "Personnel file" includes, but is not limited to, the following forms and documents pertaining to any current or past employee:

- (a) Application form;
- (b) Notice of test result;
- (c) All performance ratings;
- (d) All scholastic data.

C. Requests to inspect or copy.

- (1) Any person may request to inspect any public record in the custody and control of the Department. The departmental custodian may require that the request be in writing.
- (2) An applicant may request in writing a copy of a record.
- (3) In a written request, the applicant shall show his or her name and address, shall sign the request, and shall reasonably identify by brief description the record sought.
- (4) The applicant shall address a written request for a record in the custody and control of the Director of Human Resources.

D. Response to requests. If the request or any portion is denied, the custodian shall respond to the applicant within ten (10) working days.

E. Personnel files.

- (1) Any current or former employee, or that employee's authorized representative may inspect and request copies of the personnel file maintained by the Department for that employee.
- (2) Any elected or appointed official or employee who supervises an employee may inspect and request copies of the personnel file maintained by the Department for any employee actually supervised by that official.

F. Medical records. Records maintained with respect to any employee shall be available only to that employee or an authorized representative.

G. Testing records. Any person who has taken a written promotional examination may inspect but not copy or reproduce that examination and the results of it within sixty (60) days following the conduct and scoring of the examination.

H. Trade secrets; confidential data. A person may not inspect or copy any information which constitutes a trade secret or confidential commercial or financial data in the custody and control of the Department.

I. Privileged information. A person may not inspect or copy any information which is privileged by law.

J. Letters of reference. A person may not inspect or copy letters of reference in the custody and control of the Department.

K. Protection of privacy and confidentiality. Any person entitled by law to inspect or have copies of any records set forth in Section E through J of this chapter shall, before inspection:

(1) Specify, in writing, the basis for the request.

(2) Agree, in writing, not to release any information derived from the inspection to any third party without the express prior agreement, in writing, of the custodian.

L. Notification of persons who may be affected by disclosure. Unless prohibited by law, the Director of Human Resources, in his discretion, may notify any person who could be adversely affected by disclosure of a record to the applicant that a request for inspection or copying of the record has been made. The Director of Human Resources may consider the views of these persons before deciding whether to disclose the record to the applicant.

M. Bulletin board. The Director of Human Resources will maintain an official bulletin board open to the public in his offices, upon which shall be posted all notices required by law or regulation and such other notices as appropriate.]

§ 38-[43]42. Disciplinary actions.

A. General. Disciplinary actions include:

(1) Oral reprimand;

- (2) Written reprimand;
- (3) Suspension without pay; or
- (4) Discharge.

IF APPROPRIATE, THE DIRECTOR OF HUMAN RESOURCES HAS THE AUTHORITY TO IMPOSE AS DISCIPLINARY ACTION AN INVOLUNTARY TRANSFER OR REASSIGNMENT, OR A DEMOTION. DISCIPLINARY ACTIONS MAY BE MODIFIED TO INCLUDE ALTERNATIVE SANCTIONS THAT ARE NOT LISTED IN SECTION A OF THIS ARTICLE. HOWEVER, SUCH MODIFICATIONS MAY ONLY BE MADE UNDER THE CONDITIONS THAT A WRITTEN SETTLEMENT AGREEMENT HAS BEEN FULLY EXECUTED AND BEARS THE SIGNATURE OF THE DIRECTOR OF HUMAN RESOURCES AND THE AFFECTED EMPLOYEE.

[B. Prohibitions. Disciplinary actions shall not be permitted based on an employee's religious or political affiliations.]

[C.]B. Progressive. Disciplinary actions shall be progressive in nature and appropriate to the nature of the violation. NOTHING IN THE SECTION REQUIRES THAT DISCIPLINARY ACTIONS BEGIN AT THE LOWEST STAGE IF THE CIRCUMSTANCES WARRANT MORE SEVERE DISCIPLINARY ACTION.

[D.]C. Appeals. Disciplinary actions subject to appeal shall be processed through the grievance procedure, as established in Section § [38-44] 38-43.

[E.]D. Disciplinary suspensions.

- (1) Grounds. Department head may suspend an employee without pay for disciplinary purposes for grounds as defined herein. Suspension shall be for consecutive working days UNLESS OTHERWISE AGREED TO BY THE PARTIES.
- (2) Notice. The department head shall give written notice, stating the charges and duration of the suspension, to the employee and a copy shall be forwarded to the Director of Human Resources.

(3) Appeal. The employee may appeal said suspension in accordance with Section § [38-44] 38-43.

[F.]E. Discharge. Dismissals are made for grounds as defined herein, including but not limited to delinquency, misconduct, inefficiency or inability to perform the work of the position satisfactorily. Dismissals of classified employees shall be recommended by the department head to the Director of Human Resources for final approval unless the Director of Human Resources conducted the investigation of the matter. In such cases no recommendation from the department head is necessary, but the Director of Human Resources shall discuss the dismissal with the Director of the employee's department and record the Department Director's opinion on the dismissal before dismissing the employee. No dismissal of a classified employee shall take effect until the employee is provided a written statement setting forth the reasons therefore and the appeal rights. An employee who has been dismissed shall be paid for accumulated annual leave; there will be no compensation for accumulated sick leave, and the employee shall not have reemployment rights.

[G.]F. Grounds. Disciplinary actions may be imposed for just cause, including, but not limited to, the following:

- (1) Incompetency, incapacity or inefficiency in performance of duties.
- (2) Violation of law, official rules, regulations, written policies or [written] procedures.
- (3) Insubordination.
- (4) Conviction of a felony; or conviction of a misdemeanor involving moral turpitude.
- (5) Negligence in performing duties.
- (6) Conduct unbecoming an employee of the county.
- (7) Conduct subversive to the laws of the county, state or United States of America.
- (8) Conduct detrimental to the efficiency or morale of the service.
- (9) Misuse of public funds or public property.
- (10) Falsifying reports or records.

(11) Using alcohol or controlled dangerous substances while on duty or reporting to work under the influence thereof.

(12) Promoting or participating in a strike, work stoppage or slowdown.

§ 38-[44]43. GRIEVANCES/Appeals.

A. Procedure. In the event any grievance arises, such matters shall be adjusted according to the following procedure. NO EMPLOYEE OTHER THAN A CLASSIFIED EMPLOYEE MAY FILE A GRIEVANCE UNDER THIS SECTION.

B. Forms shall be furnished by the county and shall be the only form used for a grievance.

(1) REGARDLESS OF THE STEP AT WHICH THE GRIEVANCE PROCESS IS BEGUN, Page 1 of the grievance form must be signed by the aggrieved employee OR THE EMPLOYEE'S AUTHORIZED REPRESENTATIVE. An employee filing a formal grievance shall be responsible for the [timely] filing of the initial grievance and all appeals WITHIN THE TIME FRAMES OUTLINED HEREIN. TO BE CONSIDERED, THE GRIEVANCE SHALL CONTAIN:

(A) A STATEMENT OF THE VIOLATION, MISINTERPRETATION OR MISAPPLICATION ALLEGED;

(B) THE REMEDY SOUGHT; AND

(C) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE GRIEVANT'S REPRESENTATIVE, IF KNOWN.

IF A HIGHER LEVEL OF REVIEW IS SOUGHT AFTER THE INITIAL PRESENTATION OF THE GRIEVANCE, THE EMPLOYEE MUST INDICATE ON THE FORM AT EACH LEVEL THE PORTION OR PORTIONS OF THE LOWER STEP DECISION THE EMPLOYEE IS DISPUTING. FAILURE TO ADHERE TO THE REQUIREMENTS STATED HEREIN SHALL RESULT IN THE DISMISSAL OF THE GRIEVANCE; HOWEVER, THE EMPLOYEE MAY RESUBMIT THE GRIEVANCE IF WITHIN THE ORIGINAL TIME FRAMES.

(2) The department head and Department of Human Resources shall, upon receiving the grievance, "in date" stamp the face of their copy.

(3) The original written reply shall be attached to the original of the grievance form and returned to the employee.

C. Procedure for presentation of grievances.

(1) ALTHOUGH THE PROCEDURE PROVIDED FOR HEREIN OUTLINES THE GRIEVANCE PROCESS BEGINNING AT STEP 1, THE STEP AT WHICH THE GRIEVANCE PROCESS BEGINS FOR ANY PARTICULAR GRIEVANCE SHALL BE THE LEVEL AT WHICH THE DISCIPLINE WAS IMPOSED AND/OR THE DECISION GIVING RISE TO THE GRIEVANCE WAS MADE.

[(1)](2) STEP 1. IF THE GRIEVANCE IS TO BE FIRST PRESENTED AT THE STEP 1 LEVEL, The employee shall first discuss his grievance with his immediate supervisor within [five (5)] 5 days of the incident subject to the grievance/appeal. The supervisor shall respond within [five (5)] 5 days of THAT meeting.

[(2)] If the grievance is not resolved at this stage, the employee may, within five (5) days from the supervisor's response, file a written complaint to his department head, who shall review the request and within five (5) days of issuance of the written complaint assign a future date for the hearing and issue a written response to the employee within ten (10) days of that hearing. If the complaint is not resolved at this stage, the employee may, within five (5) days from that written response, file a written request to the Director of Human Resources, who shall review the request and, within ten (10) days from receipt of said request, assign a future date for the hearing. Upon the request of any party to the hearing, the Director of Human Resources may compel, by subpoena, the attendance of necessary witnesses, documents or records. The Director of Human Resources shall issue a written response to the employee within ten (10) days of that hearing. If the complaint is not resolved at this stage, the employee may, within five (5)

days from that written response, appeal the decision of the Director of Human Resources to the Personnel Advisory Board, subject to the limitations set forth in Section 38-44F.]

(3) STEP 2. IF THE GRIEVANCE IS TO BE FIRST PRESENTED AT THE STEP 2 LEVEL, OR IF A STEP 1 GRIEVANCE IS NOT RESOLVED AT THAT LEVEL, THE EMPLOYEE MUST COMPLETE THE STEP 2 PORTION OF THE GRIEVANCE FORM AND FILE IT WITH HIS DEPARTMENT HEAD WITHIN 5 DAYS OF THE INCIDENT, OR IF ON APPEAL FROM STEP 1, WITHIN 5 DAYS OF THE SUPERVISOR'S RESPONSE. THE DEPARTMENT HEAD SHALL REVIEW THE FORM AND WITHIN 5 DAYS OF RECEIPT OF THE GRIEVANCE, SCHEDULE A FUTURE DATE FOR THE HEARING. THE DEPARTMENT HEAD SHALL ISSUE A WRITTEN RESPONSE TO THE EMPLOYEE WITHIN 10 DAYS OF THE HEARING.

(4) STEP 3. IF THE GRIEVANCE IS TO BE FIRST PRESENTED AT THE STEP 3 LEVEL, OR IF A STEP 2 GRIEVANCE IS NOT RESOLVED AT A LOWER LEVEL, THE EMPLOYEE MUST COMPLETE THE STEP 3 PORTION OF THE GRIEVANCE FORM AND FILE IT WITH THE DIRECTOR OF HUMAN RESOURCES WITHIN 5 DAYS OF THE INCIDENT, OR IN AN APPEAL FROM STEP 2, WITHIN 5 DAYS OF THE DEPARTMENT HEAD'S RESPONSE. THE DIRECTOR OF HUMAN RESOURCES SHALL REVIEW THE FORM AND WITHIN 10 DAYS FROM RECEIPT OF SAID FORM, ASSIGN A FUTURE DATE FOR THE HEARING. THE DIRECTOR OF HUMAN RESOURCES SHALL ISSUE A WRITTEN RESPONSE TO THE EMPLOYEE WITHIN 10 DAYS OF THAT HEARING. IF THE COMPLAINT IS NOT RESOLVED AT THIS STAGE, THE EMPLOYEE MAY, WITHIN 5 DAYS FROM THAT WRITTEN RESPONSE, SEEK A REVIEW OF THE DECISION BY THE PERSONNEL ADVISORY BOARD,

SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 38-43F.

[(3)](5)The Personnel Advisory Board, as provided by the Harford County Charter, Section 607, shall hear all appeals from employees in the classified service subject to the provisions of Section [38-44C(4)] 38-43C(6) and Section [38-44F] 38-43F.

[(4)](6)STEP 4. PERSONNEL ADVISORY BOARD.

(A) DISMISSALS, DEMOTIONS AND SUSPENSIONS IN EXCESS OF 3 DAYS. An aggrieved employee may file an appeal before the Personnel Advisory Board and a hearing will be scheduled regarding demotions, suspensions IN EXCESS OF 3 DAYS, or dismissals as permitted in Section [38-44F] 38-43F. The appeal must be filed in writing within [five (5)] 5 days of the action of the Director of Human Resources or the appointing authority.

(B) OTHER GRIEVANCES. In all other cases, [including grievances,] after development of a record, an employee's appeal must be reviewed and a hearing may be granted at the discretion of the Personnel Advisory Board if it is believed BY THE BOARD that the record is incomplete or inconsistent and requires oral testimony to clarify the issues. [If the Board denies the request for a hearing, a decision on the appeal must be rendered on the record provided and any written argument submitted by the parties. However, if so requested by the employee or the county, the Personnel Advisory Board shall permit both parties to present oral argument in lieu of written argument.] If a hearing is granted, it shall, at the request of the aggrieved employee, be public, and the Board shall [docket any hearing requested within thirty (30)] WITHIN 30 days following receipt of the employee's request SCHEDULE A FUTURE DATE FOR THE HEARING. The Personnel Advisory Board may compel, upon the request of any party to the hearing, by subpoena, the attendance of necessary [witnesses] COUNTY EMPLOYEES OR CONTRACTORS or the production of any

documents or records. After a hearing before the Personnel Advisory Board, the Board may issue orders as it finds proper by the facts presented in the case. IF THE BOARD DENIES THE REQUEST FOR A HEARING, A DECISION ON THE APPEAL MUST BE RENDERED ON THE RECORD PROVIDED AND ANY WRITTEN ARGUMENT SUBMITTED BY THE PARTIES. HOWEVER, IF SO REQUESTED BY THE EMPLOYEE OR THE COUNTY, THE PERSONNEL ADVISORY BOARD SHALL PERMIT BOTH PARTIES TO PRESENT ORAL ARGUMENT IN LIEU OF WRITTEN ARGUMENT. All data pertinent to the decision shall be subject to the scrutiny of the aggrieved employee or his designated representative.

[(5)](7) The time limits in this section may be waived upon mutual written agreement between the employer and the employee or his designated representative or, at the request of the Personnel Advisory Board, upon written notice to the parties. However, waiver at any step by either party does not constitute a waiver at all steps, nor imply intent to resolve the issue. All time limits must be complied with unless expressly waived by both parties.

[(6)](8) With 2 board members present the Personnel Advisory Board may conduct the hearing upon the mutual agreement of both parties. HOWEVER, A HEARING WILL PROCEED WITH 2 MEMBERS WITHOUT MUTUAL AGREEMENT WHERE A FULL BOARD CANNOT BE CONVENED WITHIN 90 CALENDAR DAYS, OR A MEMBER RECUSES HIMSELF/HERSELF FROM A PARTICULAR HEARING.

[(7)](9) In case of any appeal to the Personnel Advisory Board, its decision shall be final on all parties concerned.

D. [Efforts to resolve; bypass; consolidation. Both parties shall endeavor to resolve the grievance/appeal at the lowest possible level.] BYPASS; CONSOLIDATION. By mutual written agreement, both parties may bypass one or more steps in the procedure set forth in

Section [38-44C(2)] 38-43C. By mutual agreement, both parties may consolidate related grievances/appeals and present them as a single action.

E. Time limits; extensions. Failure of management to respond within the time frames set forth in Section [38-44C(2)] 38-43C, constitutes a denial OF THE GRIEVANCE; the employee may appeal. Failure of the employee to file an appeal in response to any level of this procedure constitutes acceptance. By mutual written agreement, both parties may extend the time frames.

F. Nature. Except as otherwise provided in the Harford County Charter or this chapter, an appeal from an employee in the classified service shall be subject to the provisions of this subsection.

[(1) Jurisdiction.

(a) Direct appeal to the Personnel Advisory Board.

[1] Termination;

[2] Suspension for gross misconduct, or life or property-threatening action.

[3] Appeals of disciplinary suspensions in excess of three (3) days may, with the written consent of the parties, be directly appealed to the Personnel Advisory Board. Disciplinary suspensions of three (3) days or less shall not be subject to appeal to the Personnel Advisory Board by either direct appeal or appellate review by the Board.

(b) Direct appeal to the Director of Human Resources.

[1] Appeal of denial of salary increment based on an unsatisfactory employee evaluation or unsatisfactory work performance including, but not limited to unauthorized use of sick leave; the decision of the Director of Human Resources shall be final as to all parties.

[2] Appeal of suspension of three (3) days or less; the decision of the Director of Human Resources shall be final as to all parties.

[3] Appeal of disciplinary action including imposition of an oral or written warning or disciplinary suspension shall be heard by the department

head in accordance with Section 38-44C, or, with the written consent of both parties, may be directly appealed to the Director of Human Resources; the decision of the Director of Human Resources shall be final as to all parties with the express exception that an appeal of the Director's decision in the case of disciplinary suspension in excess of three (3) days shall be appealable to the Personnel Advisory Board.

(c) The Personnel Advisory Board may elect to hear appeals from disciplinary actions resulting in suspensions of three days or less or the imposition of written reprimands or may refer such appeals to an examiner.]

(1) DIRECT APPEALS.

(A) NOTWITHSTANDING THE PROVISIONS HEREIN, CLASSIFIED EMPLOYEES HAVE THE RIGHT TO A DIRECT APPEAL TO THE PERSONNEL ADVISORY BOARD IN THE FOLLOWING INSTANCES:

[1] TERMINATION (AFTER A PRE-TERMINATION HEARING IS CONDUCTED).

[2] IMMEDIATE SUSPENSION FOR GROSS MISCONDUCT, OR LIFE OR PROPERTY-THREATENING ACTION.

(B) APPEALS OF DISCIPLINARY SUSPENSIONS IN EXCESS OF 3 DAYS MAY, WITH THE WRITTEN CONSENT OF THE PARTIES, BE DIRECTLY APPEALED TO THE PERSONNEL ADVISORY BOARD.

(C) NOTWITHSTANDING THE PROVISIONS HEREIN, CLASSIFIED EMPLOYEES HAVE THE RIGHT TO A DIRECT APPEAL TO THE DIRECTOR OF HUMAN RESOURCES IN THE FOLLOWING INSTANCES:

[1] ANY GRIEVANCE PERTAINING TO A PAY DISPUTE, INCLUDING AN APPEAL OF DENIAL OF SALARY

INCREMENT.

[2] APPEAL OF ANY SUSPENSION IMPOSED.

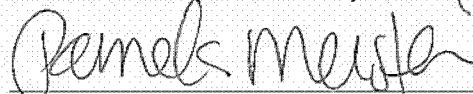
G. Representation. Each employee shall be afforded an opportunity to be represented at each of the APPLICABLE steps in the grievance procedure. Any employee and/or employee's representative shall have REASONABLE time to investigate and present a grievance during the county working hours with prior permission of his supervisor. Such permission shall not be unreasonably withheld by the county. Grievance hearings shall be held during working hours. There shall be no loss of pay or leave to the grievant, his [subpoenaed] witnesses, or HIS representative for the time spent attending grievance meetings or hearings provided [they first receive] permission to be absent IS RECEIVED from [their] THE APPROPRIATE immediate supervisor. Such permission shall not be unreasonably withheld by the county. The Personnel Advisory Board may schedule grievance hearings outside of working hours.

§ 38-44. RESERVED.

Section 2. And Be It Further Enacted that this Act shall take effect 60 calendar days from the date it becomes law.

EFFECTIVE:

The Council Administrator does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator